1`THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18421 of 2007

Dated:11.09.2007

Between
S.M.Basha

..Petitioner

and

1. APSRTC rep, by its Vice-Chairman
& Managing Director, Musheerabad
Hyderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18421 of 2007

ORDER:

This writ petition has been filed seeking a Mandamus to declare the action of the respondents in not releasing the terminal benefits to the petitioner as arbitrary and illegal and consequently to direct the respondents to pay the terminal benefits to the petitioner for the period from 1.7.1988 to 17.4.2006

It appears that the petitioner was appointed as a Conductor in the respondent-Corporation on 1.7.1988. He was terminated from service *vide* proceedings dated 13.6.2000. Hence, he raised a dispute under Section 2-A (2) of the Industrial Disputes Act, 1947 and the same was partly allowed directing the respondent-Corporation to

reinstate the petitioner with continuity of service and attendant benefits but without any back wages. Pursuant to the award, the petitioner was reinstated into service. Subsequently, the petitioner was referred to Medical examination and he was declared medically unfit by the Senior Medical Officer, Tarnaka vide proceedings dated 5.4.2006. Thereafter, he was asked by 2nd respondent to give willingness as to whether he wants to retire on medical grounds or prefer an appeal to the Medical Board. The petitioner gave a letter dated 6.4.2006 stating that he would like to retire on medical grounds and requested the respondents to pay terminal benefits. Thereafter, 1st respondent issued order dated 17.4.2006,whereunder the petitioner was permitted to retire from service on medical grounds as he was found unfit for the post of A-II category, but the terminal benefits were not paid. Hence, he made a representation dated 14.12.2006 before the respondents and

also issued a legal notice on 13.7.2007, but in vain. Hence, he filed the present writ petition.

There is no necessity to go into all the details. Admittedly, the petitioner retired from service on medical grounds on 17.4.2006. Thereafter, he made several representations for payment of terminal benefits, but they were not considered.

In the facts and circumstances of the case, the respondents are directed to consider the representation purported to have been made by the petitioner on 14.12.2006 seeking payment of terminal benefits for the period from 1.7.1988 to 17.4.2006 since he was entitled for continuity of service as per the award in I.D.No.142 of 2001 dated 3.10.2005, if he is otherwise eligible, and pass appropriate orders, as per law within a period of two months from the date of receipt of a copy of this order and communicate the same to the petitioner.

With the above direction, the writ petition

is disposed of. No costs.

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11-09-2007

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